

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

KATHLEEN VAUGHN, )  
                        )  
                        ) CASE NO.  
PLAINTIFF,         )  
                        )  
VS.                   ) **COMPLAINT AND DEMAND  
                        FOR JURY TRIAL**  
LENAHAN LAW OFFICES, L.L.C., )  
AND JASON STROEHlein,         )  
                        )  
DEFENDANTS.         )

COMES NOW, the Plaintiff, Kathleen Vaughn, by and through her attorney, Pamela A. Car, and alleges and states that this is an action brought by an individual consumer for Defendants' violations of the FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §1692 et. seq. In support of her claims, the Plaintiff states alleges as follows:

**JURISDICTION AND PARTIES**

1. That subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §1331 and other provisions of the law.
2. That venue is proper in this Court for the reason that the claims on which the transactions took place happened in this Judicial district.
3. That Plaintiff is a resident of Papillion, Sarpy County, NE.
4. That Defendant LENAHAN LAW OFFICES, L.L.C. is a debt collector and a corporation organized and existing under the laws of New York and doing business of collecting debts in this state.
5. That Defendant JASON STROEHlein is a debt collector/employee of Defendant Lenahan and at all times relevant hereto was the collector involved in the allegations which are the subject of this lawsuit.

**FACTUAL BACKGROUND**

6. That on or about April 21, 2004, Plaintiff received a voicemail message from an individual identifying himself as Jason Stroehlein, claiming to be the chief legal claims auditor with the Law offices of Daniel Lenahan, the true purpose of which was to attempt to collect a debt alleged to be owed to Providian bank for a credit card for personal, family or household purposes.

7. That the voice mail message described above stated that it was in regard to a civil suit being filed in Douglas County, case #149339 and that it will be "forwarded to Douglas County on Thursday April 22<sup>nd</sup> for litigation" unless Plaintiff returned his call and voluntarily made arrangements to rectify the matter.

8. Plaintiff returned the call as requested by the voice mail message later that same evening of April 21, 2004. During this phone call, Defendants told the Plaintiff that the alleged "civil lawsuit" was in connection with a Providian credit card debt, in which the Defendants accused the Plaintiffs of "defrauding and defaulting on."

9. Defendants became verbally abusive during that conversation and mentioned that Defendants called Plaintiff's parents, who were not obligors on the alleged debt.

10. That during the course of attempting to collect the alleged debt, Defendant misrepresented himself and left Plaintiff with the impression that as summons for her arrest would be issued the next day.

11. The Defendants also called Plaintiff's parents and intimidated them into providing information and Defendants led the Plaintiff's parents into believing that Plaintiff would go to jail immediately.

12. Defendants also made argumentative comments about Plaintiff's divorce, and threatened that the amount allegedly owed would increase from \$2,700.00 to \$11,000.00 if a lawsuit was filed.

13. Plaintiff received no written communications from Defendant.

14. No civil lawsuit or criminal matter was ever filed against Plaintiff with regard to this debt as threatened by Defendants.

**CAUSE OF ACTION**  
**FAIR DEBT COLLECTION PRACTICES ACT**

COMES NOW the Plaintiff and for her Cause of Action against the Defendant, states and alleges as follows:

15. That the Plaintiff is a natural person and is a "consumer" within the meaning of the Fair Debt Collection Practices Act, 15 U.S.C. Sect 1692 (a)(3).

16. That the Defendant Lenahan Law Offices, L.L.C. is a law firm and collection agency located in New York, which is engaged in the business of collecting debts and regularly attempts to collect debts alleged to be due another by use of the mail and telephone and as such, is a "debt collector" within the meaning of 15 U.S.C. 1692 (a)(6).

17. That Defendant JASON STROEHLEIN purports to be a lawyer employed by Defendant Lenahan Law Offices, L.L.C., attempting to collect the alleged debt which is the subject of this suit and regularly attempts to collect debts alleged to be due another by use of the mail and telephone and as such, is a "debt collector" within the meaning of 15 U.S.C. § 1692 (a)(6) and Iowa Code § 537.7102(5).

18. That at all times relevant hereto the Defendants were attempting to collect an alleged debt alleged to be in default by the Plaintiff for a car loan used for personal, family or household purposes.

19. That during the course of attempting to collect the alleged debt, Defendants violated the FDCPA in the following particulars, to wit:

- a) by failing to send a written notice within five days after the initial communication with Plaintiff, required by 15 U.S.C. 1692g(a);
- b) During the Defendants' phone calls and voice mail, Defendants made false or misleading statements, giving the false impression that lawyer is involved with the collection, threatened to take legal action when such action cannot be taken or is not intended to be taken, and failed to provide the proper validation notice, in violation of §§1692e, 1692e(2)(B), 1692e(3),(5),(9), and (10) and 1692g(a);
- c) Defendant threatened action not intended to be take and violates §1692g by contradicting and overshadowing the validation notice and Plaintiffs' right to dispute the debt and gave the false impression that the communication was from a lawyer, said letter also threatens action not intended to be taken or which cannot be taken, in violation of the FDCPA;
- d) Defendants also gave a false representation of the character, amount, or legal status of the debt in violation of S1692e;
- e) Defendants also contacted third persons about the alleged debt without the prior written consent of the plaintiff in violation of §1692c (b).
- f) by identifying the name of the collection agency and that Plaintiff allegedly owes a debt on an answering machine available to third parties in violation of 1692b and c.

WHEREFORE, Plaintiff prays for a judgment against the Defendants for statutory damages, general damages actual damages and statutory attorney fees and costs of this suit and for such other and further relief as the Court shall deem appropriate.

Dated: May 3, 2004

KATHLEEN VAUGHN, PLAINTIFF,

by: s/ Pamela A. Car

Pamela A. Car # 18770  
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ATTORNEY FOR PLAINTIFF

**JURY DEMAND**

Plaintiff demands a trial by jury as to all issues so triable in Omaha, NE.

s/ Pamela A. Car

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